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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,254	07/03/2001	Jennifer Quirin Trelewicz	IBMN.026US01 (0526)	1933
7590 11/03/2005 Chambliss, Bahner & Stophel, P.C. 1000 Tallan Building Two Union Square Chattanooga, TN 37402			EXAMINER THOMPSON, JAMES A	
			ART UNIT 2624	PAPER NUMBER

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/898,254

Applicant(s)

TRELEWICZ ET AL.

Examiner

James A. Thompson

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 4-6, 10-12 and 20-22.

Claim(s) rejected: 1-3, 7-9, 13-19 and 23.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 30 September 2005 have been fully considered but they are not persuasive.

**Regarding page 2:** Claim 1 recites "scaling the spot function using a parameterized spot radius scaling function". In other words, it is a spot function that is scaled based on radius, and not a simple spot that is scaled based on radius. There is an important distinction between a spot function and a spot. A spot, which Applicant appears to be addressing in the arguments, is merely a specifically shaped blob of ink set in a particular way. A spot function, on the other hand, is a function that determines how the spots corresponding to a pixel array are turned on based on the pixel value (column 1, lines 40-48 and lines 55-59 of Hall (US Patent 5,579,457)). Applicant is also respectfully reminded that, during patent examination, claims are given the broadest reasonable interpretation consistent with the specification (see MPEP §904.01). Since "spot function" is generally defined in the halftoning arts in the manner set forth in Hall, the common definition has been used in the interpretation of the claims. Again, it is not the radius of an individual spot that is scaled, but the radius of the spot function that is scaled, as recited in claim 1. As discussed on page 4 of the previous office action, dated 16 July 2005, said spot function scales the spot function using a parameterized spot radius scaling function (D) that varies according to a value of a first (DX) and second (DY) spot function ordinate (column 6, lines 10-21 of Hall). The overall equation (column 6, lines 10-15 of Hall) defines the spot

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function radius. Since the equation is a sine function, the spot function radius varies from the minimum value to the maximum value, depending upon the resultant phase in the argument of the sine function, which is controlled by three parameters ( $K_1$ ,  $K_2$  and  $K_3$ ) (column 6, lines 16-21 of Hall).

Regarding page 3: Again, it is the spot function that is scaled, in this case using a shape changing scaling function ( $K_2 D + K_3 \tan^{-1}(D r / D x)$ ) (column 6, lines 16-21 of Hall). Clearly, changing the rate of turn of the spiral with  $K_2$  and the number of arms of the spiral with  $K_3$  will change the shape of the spot function. If one spot function has a faster or slower changing spiral than a second spot function, then clearly the shape of the first and second spot functions differ from one another. Likewise, if there are more spiral arms in a first spot function than in a second spot function, then clearly the shape of the first and second spot functions are different.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



25 October 2005

James A. Thompson  
Examiner  
Art Unit 2624



THOMAS D  
~~LEE~~  
PRIMARY EXAMINER